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ACTS

OF

INCORPORATION,

BY-LAWS AND ORDINANCES,

OF THE

BOROUGH OF NEWARK.

NEWARK.

PRINTED BY RUFUS HENRY & CO

1833.

AN ACT

To Incorporate the Town of Newark, in the County of Licking, in the State of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the state of Ohio, That so much of the township of Newark, in the county of Licking, as is comprised and designated on the town plat of the town of Newark, and recorded in the recorder's office of said county of Licking, and also, in the recorder's office of the county of Fairfield, in said state; and also, that part of said town known by Schenck's reservation, on the north and south sides of said in-lots, and adjoining the same, be, and the same is hereby, erected into a town corporate, henceforth to be known and distinguished by the name of the Town of Newark: Provided, That this act shall not be construed to restrain or prevent the General Assembly from amending or altering the same whenever they may deem it proper.*

Sec. 2. *That it shall be lawful for the white male inhabitants of said town, having the qualifications of electors of members of the General Assembly, to meet at the court house in said town, on the first Monday of March next, and on the first Monday of March annually thereafter and then and there proceed, by a plurality of votes, to elect by ballot a mayor, recorder and five trustees, who shall have the qualifications of electors, and shall be freeholders in said town; the persons so elected shall hold their offices for one year, and until their successors are elected and qualified, and shall constitute the town council.*

Sec. 3. *That at the first election to be holden under this act, two judges and a clerk, shall be chosen viva voce by the electors present, and shall take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the mayor and trustees, or any two of them, shall be judges, and the recorder clerk of the election; and at all such elections, the polls shall be opened between the hours of ten and eleven in the forenoon, and closed at three in the afternoon of the same day; and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed at the door of the court house aforesaid; and the clerk shall leave with each person proclaimed elected, or at his usual place of residence, within five days from the day of election, a written notice of his election; and the person so elected and notified, shall, within ten days from said election, take an oath or affirmation to support the constitution of the United States, and of this state, and also, an oath of office, a certificate of which shall be deposited with the recorder, and by him preserved.*

Sec. 4. *That the mayor and recorder and trustees of said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the Town Council of the town of Newark; and shall be capable in law to acquire, receive, hold and convey any estate, real or personal, for the use of said town; may have a common seal, and may alter the same at their discretion; may sue and be sued; plead and be impleaded; answer and be answered, in any court of law or equity in this state; and when any suit shall be commenced against said corporation, the first process shall be by summons, an attested copy of which shall be left with the recorder at least ten days before the return day thereof.*

Sec. 5. *That the mayor, recorder and trustees, or a majority of them, whereof the mayor or recorder shall always be one, shall have authority to make, ordain and publish all such by-laws and ordinances, consistent with the constitution and laws of the United States and of this state, as they shall deem necessary for the regulation, interest, safety, health, cleanliness and convenience of said town, and the inhabitants thereof; they shall have power to fill all vacancies which may happen by death, resignation, removal or otherwise, in any of the offices herein named; they shall also have power to appoint a treasurer, town marshall, clerk of the market, and such other sub-*

ordinate officers as they may deem necessary, to prescribe their duties, require of them such security as they may deem necessary to secure the performance of their duties; to remove them at their pleasure; to fix and establish the fees of all the officers of said corporation not established by this act; to impose such fine not exceeding five dollars, as they shall deem just, for refusing to accept any office in said corporation, or for neglect or misconduct therein: *Provided*, That no law or ordinance of said corporation shall ever subject horses, cattle, sheep or hogs, owned by persons not residing in said town, to be taken up, sold or abused, for coming within the limits of said corporation.

Sec. 6. That the mayor shall be a conservator of the peace within the limits of said corporation; and shall have the jurisdiction of a justice of the peace therein, both in criminal and civil cases; and in all his acts as justice of the peace, he shall be governed by the laws defining the duties of justices of peace, and shall be entitled to receive the same fees as justices of the peace are entitled to receive for similar services; he shall give such bond and security, as is required by law of justices of the peace; he shall be authorized by law to hear and determine all cases arising under the laws and ordinances of the corporation, and to issue such process as may be necessary to carry into execution such laws and ordinances; and an appeal may be made from any final decision or judgment of the mayor to the court of common pleas, of the county of Licking aforesaid, in the same manner as that from a justice of the peace.

Sec. 7. That it shall be the duty of the recorder, to make and keep a true and accurate record of all laws and ordinances made and ordained by the town council of said town, and all their proceedings in their corporate capacity, which record shall, at all times, be opened to the inspection of the electors in said town; and the recorder shall preside at all meetings of the corporation, and of the town council, in the absence of the mayor; and shall perform such other duties as may be required of him by the laws and ordinances of said corporation.

Sec. 8. That all process issued by the mayor, shall be directed to the marshal of said town, and in the service or execution thereof, the marshal shall have the same power as is given by law to constables, and shall be governed by the laws defining the duties of constables, and shall be entitled to receive the same fees as are allowed to constables for similar services; and the marshal shall perform such other duties as may be required of him by the laws and ordinances of said corporation.

Sec. 9. That the town council shall have power to lay a tax annually, for corporation purposes, on the property within the limits of said town, returned on the grand levy, and made subject to taxation by the laws of this state: *Provided*, That said tax shall not exceed, in any one year, one fourth of one per cent. of the value of said property; the amount of tax to be raised, being determined by said town council; it shall then be the duty of the recorder to make out a duplicate thereof, charging therein each individual owning property in said town, an amount of tax in proportion to the amount of his property as assessed and returned by the board of equalization of this state, which duplicate shall be certified and signed by the mayor, and recorder, and delivered to said marshal, who shall proceed to levy and collect said tax in the same manner, and under the same regulations as collectors of state and county taxes are by law required to collect state or county taxes; and the said marshal shall pay over the same to the treasurer of said town, and take the treasurer's receipt thereof; and in the collection thereof, the marshal shall have the same power to sell both real and personal estate, as is given by law to collectors of state or county taxes; and when necessary, the said recorder shall have power to make deeds for real estate so sold in the same manner, as county auditors are by law empowered to make deeds for real estate sold for the payment of taxes, by a

collector of state or county taxes; and the marshal shall receive for his services in the collection of said taxes, the same per centum and fees as are allowed to the county collector for similar services.

Sec. 10. That said corporation shall be allowed the use of the jail of said county, for the confinement of such persons as may be liable to imprisonment, under the laws and ordinances of said town; and all persons so imprisoned, shall be under the charge of the sheriff, as in other cases.

This act shall take effect and be in force from and after the passage thereof.

WM. W. IRVIN,

Speaker of the House of Representatives.

ALLEN TRIMBLE,

Speaker of the Senate.

February 8, 1826.

AN ACT

To extend the Corporation limits of the Town of Newark.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the limits of the corporation of the town of Newark in the state of Ohio, be, and they are hereby extended so as to include all the In lots and Out lots of said town, laid out or marked or numbered, either with letters, or figures, on the partition plat of said town recorded in the partition book in the clerks office in the county of Licking, and all that part of the said town lying south of the road leading from the north end of fourth street to Granville, and north of the road leading from the west end of main street to Raccoon creek, so that the east line of Benjamin Stickleys land (or a line corresponding therewith from one of said road to the other) be the western boundary of said town corporation.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEL R. MILLER,

Speaker of the Senate.

February 13th, 1833.

AN ACT

To authorise the Corporation therein named to grant Licences.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporated authorities, by whatever corporate name they may be known, of the towns of Springfield, in the county of Clark; Urbana, in the county of Champaign; Lower Sandusky, in the county of Sandusky; Portsmouth, in the county of Scioto; Circleville, in the county of Pickaway; Wilmington, in the county of Clinton; Newark, in the county of Licking; Lewisburgh, in the county of Preble; Cadiz, in the county of Harrison; Delaware, in the county of Delaware; be, and they are hereby authorized, and shall have the exclusive authority, whenever they shall deem it expedient, to grant licenses, for any time not exceeding one year, to gro-

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cers or retailers of spirituous liquors, porter, beer, cider, or ale, in less quantities than one quart, and to license and regulate all houses of entertainment, other than taverns, within the limits of their respective corporations; and they are hereby authorized to make such ordinances, and pass such by-laws, consistent with the Constitution and laws of the United States, and of this State, as they shall deem proper for the regulation and control of the same; and to impose any fine not exceeding fifty dollars, on any person who shall retail spirituous liquors, or keep any such house within such corporation, without license: *Provided*, That the tax for such license, shall in no case be less than ten, nor more than fifty dollars; nor shall it in any case be less than those who obtain license from the Court of Common Pleas, of the same county are required to pay: *Provided also*, That said license shall be granted to none but persons of good moral character.

THOMAS L. HAMER,
Speaker of the House of Representatives.
ROBERT LUCAS,
Speaker of the Senate.

February 18th, 1830:

AN ACT

To incorporate the Newark Engine, and Hook and Ladder Company, in Licking County.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Daniel Duncan, C. K. Watson, N. King, E. S. Woods and their associates, be, and they are hereby created and declared a body corporate and politic by the name and style of the Newark Engine and Hook and Ladder Company, as such shall be capable in law to contract and be contracted with, of suing and being sued, pleading and being impleaded, in any court having competent jurisdiction: they shall have power to acquire and hold property, either real, personal or mixed: *Provided*, be the annual income of all such property shall not exceed one thousand dollars, and be applied to the use and benefit of said company, for the purpose herein contained and for no other purpose whatever.

Sec. 2. That said corporation shall have power to adopt a constitution, enact by laws, and adopt such other regulations as they shall think proper for the government and good order of the same: *Provided*, said constitution, by laws, and regulations are in accordance with the laws and constitution of the United States and of this State.

Sec. 3. That said corporation shall have power to use a common seal, which they may alter, break, or renew at pleasure.

Sec. 4. That each member of the company named in this act, who shall appear completely uniformed and perform five days training in said company in each year, under the direction of the proper officer, shall be exempted from military duty in time of peace: *Provided*, that said company shall not exceed the number of seventy five, nor be reduced below the number of thirty six members: and *Provided*, that the commandant of said company shall make an annual return of the names of the persons composing such company to the colonel or commandant of the proper militia regiment, within the bounds of which said company is situated: and in case of failure so to do, the said commandant shall be liable to the same fines and penal-

ties as captains of companies are for a failure to make return to their superior officers : Provided also, that this act may be altered, amended or repealed by any future Legislature.

DAVID T. DISNEY,
Speaker of the House of Representatives.
SAMUEL R. MILLER,

February 7th, 1833.

Speaker of the Senate

The Committee appointed at a special meeting, March 18th, 1833, to revise the By-Laws and Ordinances of the Corporation, beg leave to report the following code of By-Laws and Ordinances, to wit :

BY-LAWS,

For the regulation of the Town Council of the Town of Newark.

Art. 1. The regular meetings of the Town Council of the Town of Newark, shall be held on the first Saturday in each month, at such place and hour as the Council shall from time to time fix upon.

Art. 2. The Mayor, or in his absence, the Recorder, shall have the power to call a special meeting of the Town Council in any emergency which he may deem sufficient to require the exercise of that power, by giving one hour's notice to each member of the time and place of such meeting.

Art. 3. The punctual attendance of the members of said Council shall be required at all meetings, and in case of the delinquency or non attendance of any member or members at such meeting without a satisfactory excuse, he or they shall forfeit and pay to the Treasurer for the use of the Corporation, the sum of fifty cents for each and every such delinquency, to be collected as other debts due the Corporation are collected.

Art. 4. The majority of the Town Council, of whom the Mayor and Recorder shall always be one, shall be a quorum for the transaction of business relating to the Corporation.

Art. 5. When the Council shall have met, it shall be the duty of the Mayor, or in his absence, the Recorder, to take the chair, and immediately to call the members to order, and on the appearance of a quorum, shall cause the records of the proceedings of the last meeting to be read.

Art. 6. It shall be the duty of the Mayor or presiding officer to preserve order and decorum during the session of the Council, and decide all questions of order, subject to an appeal to Council.

Art. 7. The presiding officer shall not have the right to vote, unless the Council be equally divided, or unless his vote if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

Art. 8. When a motion is made and seconded, it shall be stated by the chair, it shall then be considered as in possession of the Council, but may be withdrawn at any time before decision with the consent of the Council.

Art. 9. All committees shall be appointed by the presiding officer, unless the Council otherwise specially require, in which case, they shall be nominated to the chair, by any member, and the question on such nomination be determined by a majority of the Council.

Art. 10. The first named member of any committee, if present, shall be chairman of the same, and shall make report to the Council.

Art. 11. When a member designs to speak, he shall rise and address the chair; and while speaking, no member shall pass between him and the chair; or otherwise interrupt him. He shall confine his remarks to the subject under consideration, and avoid personalities.

Art. 12. If any member in speaking or otherwise transgress the rules of good order, or violate the by-laws, the presiding officer, or any other member, may call to order, subject to an appeal to the Council.

Art. 13. No member shall vote on any question in which he is individually and directly interested.

Art. 14. Every member who shall be in attendance when a question is put, shall give his vote, unless he is interested or the council excuse him.

Art. 15. All acts, ordinances, resolutions, orders, and proceedings, passed and adopted by the Council, shall be signed by the Mayor, and countersigned by the Recorder.

Art. 16. Every motion shall be reduced to writing, if any member of the Council require it.

Art. 17. When a motion has been made, and decided, it shall be in order for any member to move for the reconsideration thereof.

Art. 18. The Council may correct all errors in the record of the proceedings, before the same are signed.

Art. 19. It shall be the duty of the Marshal to attend the meetings of the Council, unless otherwise directed.

Art. 20. The Town Council shall at their meetings on the first Saturday in June, annually, fix and agree upon the per centum which shall be levied upon the valuation of the property within the limits of the Corporation, as returned on the grand levy, for Corporation purposes.

Art. 21. It shall be the duty of the Treasurer of the Corporation within ten days after the acceptance of his appointment, to give bond with good and sufficient security, in any sum not less than five hundred dollars, nor more than one thousand dollars, payable to the Town Council of the Town of Newark, conditioned for the faithful performance of the duties of his said office—to receive all moneys paid into the Treasury for the benefit of the Corporation, and receipt therefor, and to hold such funds, subject to the order of the Town Council. And also, to present his books and accounts, vouchers, &c. regularly and faithfully kept and made out, on the Saturday next preceding the first Monday in March, annually, to the Town Council for settlement.

Art. 22. This code of by-laws, shall be subject to such alteration and amendment as the Town Council shall from time to time deem necessary and expedient.

Art. 23. All by-laws, or amendments to by-laws heretofore passed by the Town Council, are hereby repealed.

This code of by-laws shall be in force from and after the passage thereof.

Adopted in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

For the appointment of Town Surveyor for the Town of Newark, defining his duties, and regulating his fees.

Section 1. *Be it ordained by the Town Council of the Town of Newark, That there shall be a Surveyor appointed annually by the Town Council, whose duty it shall be to survey all or any of the in and out lots or reserves within the bounds of the Corporation, whenever he shall be called upon for that purpose.*

Sec. 2. *That the Town Surveyor shall, in surveying all in and out lots, and reserves, be governed by, and have reference to the south east corner of Albert Sherwood & Co.'s store-house, fronting on the public square and main street, as the beginning corner.*

Sec. 3. *That the Town Surveyor shall be entitled to the following fees for surveying lots, to wit: For surveying any in lot, one dollar; and for surveying any out lot or reserve, any sum that may be agreed upon not exceeding three dollars.*

which crosses the centre of the public square, to be called "COURT ALLEY." The next one west, between third and fourth streets, to be called "CEDER ALLEY." The next one west, between fourth and fifth streets, to be called "CYPRUS ALLEY." The alley running east and west, between locust and church streets, to be called "PEACH ALLEY." The next one south, between church and main streets, to be called "PLUMB ALLEY." The next one south, between main and canal streets, to be called "FOUNTAIN ALLEY." The next one south, between canal and walnut streets, to be called "PLUMB ALLEY."

This Ordinance to be in force from, and after the passage thereof.

Done in Council, May 24th, 1883

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

Regulating the Public Square, Streets, Lanes, Side-Walks, and Alleys, in the Town of Newark.

Section 1. Be it ordained by the Town Council of the Town of Newark, That every person owning or occupying any lot or part of a lot in the Town of Newark, shall at all times keep the gutters in the public square, street, lane or alley, opposite such lot or part of a lot, free of every obstruction, so that the water may pass freely such gutter or gutters, when the public square, street, lane, or alley, may be sufficiently graded for the water to run off. Any person violating this section, shall be fined in any sum not exceeding five dollars.

Sec. 2. Any person who shall hereafter place any curb stone for paving or raising the side walk, or paving the gutters in the public square, or in any street, lane, or alley, in the Town of Newark, shall have the same done under the direction of the Town Surveyor or other officer appointed by the Council for that purpose, provided such public square, street, lane, or alley, shall have been graded agreeably to a general survey of said Town, filed with the Recorder. Any person violating this section, shall be fined in any sum not exceeding five dollars.

Sec. 3. Any person who may hereafter erect any building or fence on the line of the public square, or any street, lane, or alley, in the Town of Newark, shall require the Town Surveyor to attend and fix such line—and should the public square or any street, lane, or alley, be encroached upon by the violation of this section, the person or persons causing such encroachment, shall be fined in a sum not exceeding fifty cents per day until the same is removed.

Sec. 4. If any person shall permit his or her fire wood, coal, lumber, or any other obstruction whatever, by him or her caused or produced to remain in the public square, or in any street, lane, or alley, or side walk, in the Town of Newark, for more than one day, (Sunday excepted,) every person so offending shall be fined in any sum not less than fifty cents, nor more than ten dollars, at the discretion of the Mayor, and in the further sum of twenty five cents for every hour he or she may permit the same to remain after having been notified by the Marshal to remove it.

Sec. 5. If any person is about to erect or repair a house or other building within said Town, and shall not have sufficient room on his or her lots to put the material for said building, he or she may put materials on the public square, streets, lanes, or alleys of said Town, in such manner as will least obstruct the passage of said public square, streets, lanes, or alleys, and if any person shall unnecessarily obstruct the same with such materials, he or she shall be fined in any sum not exceeding ten dollars; and on being ordered by the Marshal to remove the same, and neglecting or refusing so to do, he or she shall be fined in any sum not exceeding three dollars per day, for every

any such obstruction shall remain after such order: *Provided*, that no person shall suffer any materials for building or repairing, to remain in any of the streets, lanes, alleys, or public grounds within said Corporation, longer than six months, without written permission from the Mayor; and *Provided*, also, that the residue of such materials shall be removed by the owner or owners within ten days after such house or other building shall be enclosed.

Sec. 6. Every owner or occupier of a cellar who shall refuse or neglect to cover, and maintain by a reliable not side door, the entrance to said cellar, which opens or leads into the public square, or any street or alley of the said Town, shall be fined in any sum not exceeding fifty cents, for each day he, she, or they may so refuse or neglect.

Sec. 7. If any person shall ride, drive, or lead any horse, mare, gelding, mule or ass on any graded, paved, or gravelled side walk, or foot way, in said town, or shall drive any sled, sleigh, wagon, or other wheel carriage upon the same, he, she, or they, shall be fined in any sum not more than two dollars.

Sec. 8. If any person owning or having the possession of any sled, sleigh, or wheel carriage of any description, drawn by one or more horses, mares, geldings, mules or asses, shall cause the same to move faster than a trot in any street, alley, lane, or public ground in said town, or shall suffer the same to run off in said town, he, she, or they, shall be fined in any sum not exceeding five dollars.

Sec. 9. If any person shall race or run any horse, mare, or gelding, mule, or ass, in any street, lane, or alley, or any of the public grounds in said Town, every person so offending shall be fined in any sum not exceeding five dollars.

Sec. 10. If any person or persons shall in any manner excavate, remove, or injure any part of the streets, lanes, alleys, or other public grounds within said Town, unless by consent of the Town Council, and on such terms and conditions as they shall impose, he, she, or they, on conviction thereof, shall forfeit and pay for the use of the Corporation, any sum not exceeding ten dollars, for each and every such offence.

Sec. 11. That the side walks on the public square, and on second, third, and main streets, shall be fifteen feet wide. The side walks on front, first, fourth; and church streets, shall be twelve feet wide. On locust, walnut and fifth streets, the side walks shall be ten feet wide. On canal street, and on all lanes within said Corporation, the side walks shall be five feet wide and the side walks on all the alleys, shall be three feet wide.

Sec. 12. That all Ordinances, or parts of Ordinances, heretofore passed by the Town Council, and coming within the purview of this Ordinance, be, and the same are hereby repealed.

This Ordinance to take effect, and be in force from, and after the 1st day of July next. Done in Council, the 24th day of May, 1835.

S. M. BROWNING, Mayor.

W. M. CAFFEY, Recorder.

AN ORDINANCE,

To prevent sundry nuisances within the Corporation of Newark.

Section 1. Be it ordained by the Town Council of the Town of Newark, That if any person or persons, shall discharge any fire arms, or cause any unnecessary explosion of gunpowder within the limits of the Corporation, unless by permission of the Mayor, he, she, or they, shall be fined in any sum not exceeding five dollars, or be imprisoned in the jail of the county any time not exceeding twenty four hours.

Sec. 2. If any person shall put a horse or jack to a mare within the limits of the town of Newark, unless it be within an enclosure entirely excluding them from public view, he shall for every such offence, be fined in any sum not less than one nor more than five dollars.

Sec. 3. Any person for the purpose of bathing, swimming, or on any other occa-

sion, shall in the day time, or during twilight, by divesting himself of his apparel, or otherwise expose his naked person within the limits of the Corporation; every person so offending shall be fined in any sum not exceeding ten dollars, or imprisoned in the county jail any time not exceeding twenty four hours.

Sec. 4. If any person shall keep a disorderly house, or shall keep a house of ill fame in the Town of Newark, he, she, or they, so offending, may be fined in any sum not less than five, nor more than fifty dollars, or imprisoned in the jail of the county for any time not exceeding ten days.

Sec. 5. If any person or persons shall make any noise or disturbance in the night season, to the annoyance of the citizens of the Town of Newark, or any individual therein, he or she, so offending, may upon conviction thereof, be fined in any sum not exceeding ten dollars, or be imprisoned in the county jail not exceeding twenty four hours.

Sec. 6. If any person or persons, shall from intoxication or other temporary derangement, become turbulent, disorderly, or quarrelsome, or in any other manner disturb the peace and quiet of the citizens, he, she, or they, so offending, shall upon conviction thereof, be committed to the jail of the county any time not exceeding twenty four hours.

Sec. 7. If any person shall be found strolling about the streets, lanes, alleys, or public grounds in said town, after the hour of ten o'clock at night, apparently with an improper or evil design, without giving satisfactory evidence of the honesty of their intentions, or their being necessarily out on business, he, she, or they, so offending, shall be fined in any sum not exceeding five dollars, or be imprisoned in the jail of the county any time not exceeding twenty four hours, or both at the discretion of the Mayor.

Sec. 8. That if any grocer or retailer of spirituous liquors, porter, beer, cider or ale, or keeper of entertainment, other than tavern keepers, within the limits of said corporation, shall on the first day of the week, commonly called Sunday, sell or barter any spirituous liquors, porter, beer, cider or ale, or shall on that day keep his or her grocery shop, or other place of entertainment open for the reception of customers, or shall on that day permit any noise or rioting in or about his or her said grocery, shop, or other place of entertainment, he or she, upon conviction thereof, shall be fined in any sum not exceeding twenty dollars: *Provided*, that nothing in this Ordinance shall prevent any grocer or baker from selling bread or other stores commonly called boat stores, with closed doors on Sunday to boat captains, passengers on boats and other travellers.

Sec. 9. That the Marshal is hereby authorized and required on view or complaint to arrest every person offending against this Ordinance, and him, her, or them, forthwith bring before the Mayor to be dealt with agreeably to the provisions of this Ordinance.

Sec. 10. That all ordinances or parts of ordinances heretofore passed by the town council, coming within the purview of this ordinance, be, and the same is hereby repealed. This ordinance to take effect and be in force from and after the 1st day of July next.

Done in Council, May 24th, 1833.

S, M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

To prevent, and remove nuisance, within the Corporation of Newark.

Sec. 1. Be it ordained by the town council of the town of Newark, That if any person shall put or cause to be put or shall suffer to remain within the limits of the corporation, any dirt or filth, by him or her caused, or produced, that is offensive, or injurious to health—or shall flow, or suffer to run from his or her canal basin, lot, or other premises, any water, into any of the streets, lanes, alleys, or public grounds, or upon the premises of any individual, to his, or her detriment, or inconvenience, he or she so offending, upon conviction thereof, may be fined in any sum not less than one dollar, nor more than ten dollars.

Sec. 2. That if any person owning or occupying any lot, or part of a lot, within the limits of said corporation, shall suffer to remain there, or in any cellar, house, out house, or stable, after having been notified to remove the same, any dirt or filth, that is offensive, or injurious to health, every person so offending, shall be fined for every such offence, in any sum not exceeding five dollars.

Sec. 3. That it shall be the duty of any owner, or owners, of any animal that shall be found dead within the said corporation, to remove the same within 12 hours, without the limits thereof, and he, she or they, neglecting or refusing, so to do, shall on conviction thereof, forfeit and pay any sum not exceeding five dollars. And when the owner or owners of such dead animal, shall not be known, it shall be the duty of the Town Marshal, either on view, or notice given, to cause such carcasses to be removed out of the limits of said Corporation.

Sec. 4. That every owner or occupier of a slaughter house, or place for butchering, within the limits of said corporation, shall keep the same so washed, and cleansed, as to prevent offensive smells arising therefrom, and any person, or persons, butchering within the limits aforesaid, shall remove without the same, all such offals as are usually thrown away—any persons violating this section, shall be fined in any sum not exceeding Twenty dollars. And it is hereby made penal, for any persons, from and after the taking effect of this ordinance, to erect or cause to be erected, within the bounds of said corporation, any slaughter house, or place for butchering; Any person so offending, shall be fined in any sum not exceeding one hundred dollars.

Sec. 5. That the vaults of all necessities, which may hereafter be erected, within the limits of said corporation, shall be at least six feet deep, and no necessary shall be erected within fifteen feet of any street in said town; any person violating this section, shall be fined in any sum not exceeding ten dollars.

Sec. 6. That if any person, or persons, shall put, or cause to be put, into the canal or feeder within the limits of said corporation, the carcass of any dead animal, or any other dirt or filth calculated to make the water impure, he, she, or they, so offending, shall upon conviction thereof, forfeit and pay any sum not exceeding twenty dollars.

Sec. 7. That when any person, or persons, shall feel themselves aggrieved, by reason of any nuisance in this ordinance specified, it shall be lawful, for such person, or persons, to make complaint to the Mayor, who shall thereupon issue his order, directed to the Marshal, commanding him to notify the person, or persons, causing such nuisance, or on whose lot or premises either or any of such nuisances may be found, to abate the same forthwith; any person refusing or neglecting to comply with said notice within 24 hours after the same is given, shall be dealt with in the manner pointed out in this ordinance.

Sec. 8. That all ordinances or parts of ordinances heretofore passed by the town council, within the purview of this ordinance be repealed.

This ordinance to take effect from, and after the first day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE.

To regulate the running at large of Swine in the Town of Newark.

Section 1. Be it ordained by the town council of the town of Newark, That it shall be unlawful for any person, or persons, residing in said town, to permit his, her, or their swine to run at large in said town, unless the same be of at least forty pounds weight, and marked or branded, with a clear and distinct ear mark or brand, which mark or brand shall be recorded as hereinafter provided.

Sec. 2. That the Recorder upon application of any person residing in said town, shall record in a book provided by him for that purpose, the ear marks or brands used

by such person, to designate his or her swine, but he shall not record the same marks or brands to two different persons.

Sec. 3. That the said Recorder shall be entitled to receive of the persons employing him as aforesaid, the sum of twenty five cents, for every such entry of marks or brands, of which entry he shall, if required, deliver a certified copy to the owner upon his paying him the additional sum of twelve and a half cents.

Sec. 4. That if any swine, the property of any person or persons residing within said Corporation, shall be found running at large, contrary to the provisions of this ordinance, it shall be the duty of the town Marshal on view or complaint made, to take up said swine, and place the same in the public pound of the Corporation, and forthwith to advertise the same in three public places in said town, describing particularly the said swine, and if no person within three days after such notice, shall appear to claim the same, and pay the costs then accrued, they shall be sold by the Marshal at public sale to defray said costs, and the overplus, if any, shall be paid immediately to the Treasurer of the Corporation, to be refunded to the owner of said swine on the order of the Mayor, if called for within three months.

Sec. 5. That the Marshal shall be entitled to receive fifty cents for each head of swine by him taken up and advertised, twelve and a half cents per day, for feeding and keeping, and five per cent for selling.

Sec. 6. That if any person shall rescue, or attempt to rescue any swine so taken up, either before or after the same are impounded, or shall pull down, destroy, or in any manner injure the said pound of the Corporation, he shall upon conviction thereof, forfeit and pay any sum not exceeding ten dollars.

Sec. 7. That that part of the ordinance entitled, "an ordinance to restrain unruly animals," passed April 26th, 1826, relating to swine, be, and the same is hereby repealed.

This ordinance to take effect, and be in force from and after the first day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE

Respecting Dogs.

Section 1. Be it ordained by the Town Council of the Town of Newark, That if any person, or persons, residing within the limits of said Corporation, owning or harboring any dog, or dogs, known to chase, worry or kill sheep, or to be otherwise dangerous, and having notice thereof, shall refuse or neglect within 6 hours thereafter, to kill or effectually restrain said dog, or dogs; the said owner or harborer, shall on conviction, forfeit, and pay any sum not exceeding ten dollars, for every such offence.

Sec. 2. That whenever in the opinion of the Mayor, or in his absence, the Recorder, there is just cause of alarm from hydrophobia, he may issue his proclamation, making known the same, and requiring the owners of dogs to confine them.

Sec. 3. Upon the issuing of such proclamation, it shall be the duty of the Marshal, taking with him such assistance as may be necessary, to kill all dogs found at large within the limits of said Corporation.

Sec. 4. That if any person owning or harboring any dog, suffer the same to be at large after notice of such proclamation, he shall upon conviction be fined in any sum not exceeding twenty dollars.

Sec. 5. All ordinances relating to dogs heretofore passed, are hereby repealed.

This ordinance is to take effect and be in force from and after the first day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

To regulate public exhibitions.

Section 1. Be it ordained by the town council of the town of Newark, That before any person, or persons, shall exhibit any show, or shows, of any kind, for money or other considerations within the corporation, he, she, or they, shall apply to the Mayor, or in his absence, to the recorder for license to exhibit said show or shows, and it is hereby made the duty of the Mayor or Recorder, as the case may be, to give to such applicant a written direction to pay into the treasury of said corporation any sum not exceeding ten dollars, and the Treasurer shall file such written direction among the papers in his office, and give to such person or persons a receipt for the money so paid, which receipt shall specify the amount, and by whom paid, the time of paying, and the name or description of said show or shows, and upon said receipt, being presented to the Mayor or in his absence to the Recorder, he shall issue to such applicant a license or permit to exhibit such show or shows for any time, therein specified, and shall file said receipt in his office.

Sec. 2. That if any person or persons shall publicly exhibit, any show, or exhibition by whatever name it may be called for money or other valuable consideration, within the limits of the corporation, without having first obtained a permit or licence for that purpose in the manner pointed out in the preceding section, he, she, or they so offending shall upon conviction thereof be fined in any sum not exceeding twenty five dollars, for each, and every such offence.

Sec. 3. That the ordinance to regulate the public exhibition of shows in the town of Newark, passed March 27th, 1830, be and the same is hereby repealed.

This ordinance to take effect from and after the passage thereof.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

To regulate the sale of Fire Wood in the Town of Newark.

Section 1. Be it ordained by the Town Council of the Town of Newark, That there shall be appointed annually by said Council a wood inspector, whose duty it shall be to measure all fire wood sold or attempted to be sold in said town, when called on in the manner hereinafter specified.

Sec. 2. That when any person shall offer for sale, or attempt to deliver in pursuance of a previous sale, or shall have delivered any quantity of firewood in said town, by the cord, or any aliquot part of a cord, and there shall be any difference of opinion between the seller, and purchaser as to the quantity of said wood, the purchaser may call on the wood inspector, whose duty it shall be promptly to measure said wood, and if found to fall short of the quantity for which the same was offered, or attempted to be delivered, or had been delivered as aforesaid, the seller shall pay the costs of said measurement, and it shall be unlawful for him to sell or deliver, or receive pay for said wood

for a larger quantity, than thus found by the wood inspector, but in case such wood does not fall short as aforesaid, the person calling on the wood inspector shall pay the costs of such measurement.

Sec. 3. That any person hauling or selling fire wood in land teams, may call on the wood inspector, whose duty it shall be to measure the loads, or stack of his waggon, cart, or other vehicle, and record the same in a book kept by him for that purpose, of which record he shall, if required, deliver a certified copy to the owner.

Sec. 4. That the wood inspector shall receive the following compensation for his services, to wit: For measuring each and every pile or load of fire wood, of not more than a cord in quantity, twenty five cents—and when the quantity exceeds one cord, he shall be paid at the rate of twelve and a half cents per cord. For measuring and recording any cart, waggon, or other vehicle, the sum of twenty five cents—and for granting a certified copy of the same, twelve and a half cents.

Sec. 5. That if any person shall violate any of the provisions of this ordinance, he shall upon conviction thereof, before the Mayor, be fined in any sum not exceeding five dollars.

This ordinance to take effect, and be in force from and after the first day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

Concerning the burying ground in the town of Newark, and creating the office of Sexton, and regulating his duties.

Section 1. Be it ordained by the town council of the town of Newark, That the burying ground belonging, and attached to said town, shall be used for the purpose of burying the dead bodies of the citizens of said town, and such other persons as may de cease within said town, although they may not be citizens thereof.

Sec. 2. That the town council shall annually appoint a Sexton, whose duty it shall be to dig graves, and to attend the burial of deceased persons, who were residents of said town, or who may have died therein.

Sec. 3. The sexton shall not ask for digging a grave and attending to the customary duties of a burial, a greater sum than the following, viz:

For a grave five feet in length or upwards	\$2, 00
For a grave less than five feet.	1, 50

Sec. 4. That if any other person than the Sexton, or some person by him, authorized for that purpose, shall dig a grave in said burying ground, he shall be fined in any sum not exceeding five dollars, unless the sexton be absent or unable to attend to his duties.

Sec. 5. That if any person shall deface, break down, or otherwise injure, the brick wall, or coping on the top thereof, of said burying ground, or shall do any injury to the stile, gate, or fence enclosing the same, or shall break open, or leave open the gate thereof, he, or she, so offending, shall on conviction thereof forfeit and pay for every such offence any sum not exceeding twenty dollars.

Sec. 6. That the sexton shall have charge of said burying ground, whose duty it shall be to keep the gate shut and locked, except on funeral occasions, he shall also take care of the bier, and cloth, and such other property as belongs to the corporation, and which is or may be used for burying the dead.

Sec. 7. That it shall be the duty of the sexton immediately to report all violations of this ordinance to the Mayor, which shall come to his knowledge.

This ordinance to take effect, and be in force from and after the first day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

Establishing Market days within the town of Newark, and for the government of the Market.

Section 1. Be it ordained by the Town Council of the town of Newark, That Markets shall be held in the Market house, in said town, on Wednesdays and Saturdays, in each, and every week from day light until 8 o'clock, A. M. from the first of April until the first of October, and from day light until 9 o'clock A. M. from the first of October till the first of April.

Sec. 2. That it shall be the duty of the clerk of the market, to attend the market house during market hours, to announce the hours of opening and closing the market, by ringing a bell, to keep the market house properly cleansed, and in good order for marketing, carefully to examine all scales, weights, and measures, that may at any time be in the market house, and if found deficient, such scales, weights, and measures shall be forfeited to the use of the Corporation, he shall also weigh, measure, and inspect any article, or articles, exposed for sale in the Market, about which there is any dispute, giving said articles each a reputation, as in his opinion they should bear, and if any person shall offer for sale in Market any butter or other article, or articles for a specific weight, and the article or articles aforesaid, shall be found deficient in weight, the same shall be forfeited, and sold, at public sale by the Clerk of the Market for the use of the Corporation, after market hours.

Sec. 3. That the Clerk of the Market shall keep a regular account of all monies that may come into his hands, by renting stalls to butchers, or by the sale of property forfeited, under the provisions of the preceding section, or otherwise, and to pay over the same monthly to the Treasurer of the Corporation: and deposit a receipt of the same with the Recorder. To lease or rent stalls to butchers, or others who may apply for them. To remove, or cause to be removed, all carts, waggons, horses, and all other obstructions which may hinder or interfere, with the communication to, and from the market, to a proper and convenient distance from the Market house. The Clerk shall enforce order, and prevent disturbances in the Market during market hours, and if any person or persons shall misbehave or refuse to obey the proper orders of the Clerk, on complaint, and proof thereof, being made to the Mayor, he, she, or they, so offending, shall be fined in any sum not less than one, nor more than five dollars.

Sec. 4. That if any person shall buy or sell any provisions or other articles, in the market house, before day light, or before the Clerk of the Market or some person by his order, gives notice, that the market is open, any person so offending shall be fined in any sum not exceeding five dollars.

Sec. 5. That if any person shall sell or buy any butchers meat, fowls, vegetables, or any other kind of marketing usually offered for sale during market hours, at any other place within the Corporation than the market house, every such person shall be fined in any sum not less than one nor more than five dollars.

Sec. 6. That if any person shall purchase at the market house, during market hours for the purpose of selling again, any article, or articles of marketing which may be offered there, every person so offending shall be fined in any sum not exceeding ten dollars.

Sec. 7. That all persons who may expose butter for sale at the market house, on market days shall have the same prepared, and weighed in rolls, or prints of one pound, or half a pound each, and the Clerk of the Market may prohibit the sale in the market house, of any butter not so prepared and weighed.

Sec. 8: That the Clerk of the market shall be furnished with the necessary weights, and measures, at the expense of the Corporation.

Sec. 9. That if any person shall take possession of, or occupy any butchers stall without lawful authority; every person so offending shall be fined in any sum not exceeding ten dollars for every such offence.

Sec. 10. That if any person or persons shall maliciously injure or destroy any part of the market house, or any thing belonging to the same, or shall put, or cause to be put any filth, dirt or nuisance in or about the market house, every person so offending shall be fined in any sum not exceeding fifty dollars.

Sec. 11: That the Ordinance establishing market days, and for the government of the market, adopted June 4th 1831, be, and the same is hereby repealed.

This Ordinance to take effect, and be in force from, and after the 1st day of July next.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

Fixing the fees of the Mayor and Marshal of the Town of Newark.

Section 1. Be it ordained by the town council of the town of Newark, That in all trials for the infractions of any of the ordinances of said town, the Mayor and Marshal shall be entitled to receive the same fees as by law are allowed Justices of the Peace, and constables in criminal cases, and in cases of conviction the costs shall be paid by the person or persons convicted, or on his or their neglect or refusal, be collected by process of execution.

Sec. 2. That to all orders issued by the Mayor and served by the Marshal, they shall be entitled to receive the same fees as by law are allowed to Justices of the Peace and constables for issuing and serving writs of summons, to be paid by the person or persons on which said orders are served, or in case of his, her, or their refusal or neglect to pay said fees, the same may be collected by judgment and execution.

This ordinance to take effect, and be in force from, and after the 1st day of July next.

Done in Council, May 24th, 1833.

S. M. BROWNING, Mayor.

M. M. CAFFEE, Recorder.

AN ORDINANCE,

To provide for the licensing of certain houses and persons therein named.

Section 1. Be it ordained by the Town Council of the Town of Newark, That the Marshal of said Town, be, and is hereby authorised to grant a license for any term not exceeding one year, to any keeper or owner of any house of entertainment, other than a tavern, or any grocer or retailer of spiritous liquors, or porter, beer, cider, or ale, in less quantities than one quart, upon such keeper, owner, or retailer paying into the Treasury of said Town Council, such sum as the Mayor shall direct, which sum, shall in no case be less than ten nor more than fifty dollars: Provided, that no person shall receive a licence for any of the above purposes who shall not be of good moral character.

Sec. 2. That if any person or persons, shall keep any house of entertainment other

than a tavern, or any grocery, or retail any spiritous liquer, or porter, beer, cider, or ale, in less quantities than one quart within the limits of the Corporation of said Town, without first having obtained license for that purpose, pursuant to the provisions of the first section of this ordinance, he, she, or they, shall upon conviction thereof, pay a fine of not more than fifty, nor less than ten dollars, for the use of the Town Council of the Town of Newark aforesaid.

Sec. 3. That any person or persons, who may heretofore have obtained any license for a tavern, which is yet unexpired, from the Court of Common Pleas for any of the purposes mentioned in this ordinance, shall not be liable to the penalties herein before prescribed, until the term for which such license was given shall have expired.

This ordinance shall take effect and be in force from and after the first day of June next.

May 1st, 1835.

C. A. DARLINTON, Mayor.

I. DILLE, Recorder.

AN ORDINANCE,

To procure fire buckets for the use of the Corporation and for other purposes.

Section 1. Be it ordained by the Town Council of the Town of Newark, that it shall be the duty of every citizen or resident within the Corporation of the Town of Newark, who is the owner, tenant or occupant of any dwelling house, Store house, shop or other Tenement within said Corporation of the value of five hundred dollars or more, as shall appear by the valuation of said property in the grand levy of the State; To furnish him, her, or themselves, on or before the first day of July next, with two fire buckets to be made of good Jackleather and to contain at least ten quarts of water each, and it shall be the duty of every person or persons procuring buckets as aforesaid, to cause the initials of their names and the number of the lot on which the said tenement stands respectively to be painted on said buckets, & to make report thereof verbally or in writing, to the said Town Council, at or before their first meeting, next after the expiration of the time specified in this Ordinance for the procuring of said buckets, which report shall be noted on the proceedings of the Council. And any person or persons, failing fully and completely to comply with this Section of the Ordinance, shall on complaint made, or on the report of the Marshal of the Corporation, be fined in a sum not exceeding Twenty nor less than five dollars, at the discretion of the Mayor.

Sec. 2. That if any dwelling house, store house, shop or other tenement within the Corporation shall be valued at a less sum than five hundred dollars, and more than forty dollars, then it shall be the duty of the owner, owners or occupants to furnish him her or themselves with one fire bucket, under the same rule and regulations, and under pain of the same penalty as prescribed by the first Section of this Ordinance.

Sec. 3. That it shall be the duty of each and every owner or owners of five buckets within the limits of the Corporation of the Town of Newark to keep the same at their respective houses, shops or tenements in good order, and to use them for no other purpose, whatever, but for the extinguishment of fires, and for fire exercise, under such rules and regulations, as may from time to time be adopted by the fire company or companies of said Town, or prescribed by the Council. All persons failing to comply with this Section of the Ordinance, shall be fined in a sum not exceeding five nor less than one dollar, at the discretion of the Mayor.

Sec. 4. That if any tenant, occupant or lessee of any house, shop, or tenement within the Corporation, shall furnish the number of fire buckets assessed on such house, shop or tenement according to the valuation thereof, it shall be lawful for said tenant, occupant, or lessee, to deduct the value of such bucket or buckets, from the rent of said premises, and the said bucket or buckets, shall be perpetually attached thereto for the use and benefit of the Corporation.

Sec. 5. That a committee shall be appointed by the council, to consist of four members, one of whom at least shall be of the council, whose term of service shall continue one year; which shall be called the Committee of Safety, who shall have power to enter into any house, shop, store, or office, and examine any chimney, stove pipe, or other place that may be considered as unsafe and dangerous, and cause all such places to be repaired or cleansed at the expense of the proprietors or occupants thereof, and also to see that no building or buildings be erected which shall endanger or become a nuisance to any other property or person, and to report the erection of such building or buildings to the next meeting of the Council, that such order proceeding be had thereon as the Council may deem expedient or necessary.

Passed February 8th, 1833.
JOSEPH MORRISON, Recorder.

I. DILLE, Mayor.

AN ORDINANCE,

To provide for the safe keeping of hooks and ladders, belonging to the corporation.

Be it ordained by the town council of the town of Newark, That the hooks and ladders, provided for the fire company of said town, be suspended on hooks, under the projections or the sides of the market house, in said town as is to be at all times convenient, and in readiness for the use of said company.

Be it further ordained by the authority aforesaid, that if any person, or persons, shall remove or disturb the said hooks and ladders, or any, or either of them other than by the order and direction of said Fire Company, or of the town Council aforesaid, he, she or they, shall for every such offence forfeit, and pay not less than one dollar, nor more than twenty dollars.

Done in council, February 28th, 1833.

C. W. SEARLE, Mayor.

S. D. KING, Recorder.

BOROUGH OFFICERS FOR 1833.

Mayor,

SAMUEL M. BROWNING.

Recorder,

MAHLON M. CAFFEE.

Trustees,

JAMES BRAMBLE,

B. W. BRICE,

JOSHUA MATHIOT,

HORACE GREGORY,

ASAHEL DUNHAM.